



Economic Impact Analysis Virginia Department of Planning and Budget

18 VAC 60-20 – Regulations Governing the Practice of Dentistry and Dental Hygiene
Department of Health Professions
January 30, 2010

Summary of the Proposed Amendments to Regulation

Chapter 89 of the 2009 Virginia Acts of Assembly permits the Board of Dentistry (Board) to “recover from any licensee against whom disciplinary action has been imposed reasonable administrative costs associated with investigating and monitoring such licensee and confirming compliance with any terms and conditions imposed upon the licensee as set forth in the order imposing disciplinary action.” Further, the legislation specified that “Such recovery shall not exceed a total of \$5,000.” Consequently the Board proposes to set out in these regulations the conditions and procedures for assessment of disciplinary costs relating to investigation and monitoring of a licensee for whom there is a finding that a violation of law or regulation has occurred.

Result of Analysis

The benefits likely exceed the costs for all proposed changes.

Estimated Economic Impact

The proposed amendments would establish the conditions and procedures for assessing disciplinary costs relating to the investigation and monitoring of a licensee for whom there is a finding that a violation of law or regulation has occurred. The hourly costs for the investigation and monitoring would be set out annually in a guidance document and then costs would be calculated for each case and assessed. Costs for the investigation and monitoring could not exceed the statutory limit of \$5,000.

According to the Department of Health Professions, enforcement activities constitute the largest expenditure for the board, although only a small percentage of licensees undergo

investigation, and an even smaller percentage are found to be in violation of statutes and regulations governing their professions. Currently the Board does not charge disciplinary costs to licensees for whom there is a finding that a violation of law or regulation has occurred. Income generated by the partial recovery of disciplinary costs through the proposed assessments may allow the board to sustain its investigative, adjudication, and monitoring activities without substantial increases in fees charged to licensees who are not in violation of law and regulation. This is more equitable than raising fees for all licenses, including the majority who comply with the law, to cover disciplinary costs.

Businesses and Entities Affected

The proposed amendments affect dental practices.

Localities Particularly Affected

The proposed amendments do not disproportionately affect particular Virginia localities.

Projected Impact on Employment

The proposed amendments are unlikely to significantly affect employment.

Effects on the Use and Value of Private Property

The proposed amendments will likely moderately reduce future fee increases for dentists and dental hygienists who comply with the law, and increase costs for dentists and dental hygienists for whom there is a finding that a violation of law or regulation has occurred.

Small Businesses: Costs and Other Effects

The proposed amendments likely moderately reduce costs for small businesses where the staff complies with the law.

Small Businesses: Alternative Method that Minimizes Adverse Impact

The proposed amendments likely moderately reduce costs for small businesses where the staff complies with the law.

Real Estate Development Costs

The proposed amendments will not affect real estate development costs.

Legal Mandate

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 2.2-4007.04 of the Administrative Process Act and Executive Order Number 36 (06). Section 2.2-4007.04 requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. Further, if the proposed regulation has adverse effect on small businesses, Section 2.2-4007.04 requires that such economic impact analyses include (i) an identification and estimate of the number of small businesses subject to the regulation; (ii) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the regulation, including the type of professional skills necessary for preparing required reports and other documents; (iii) a statement of the probable effect of the regulation on affected small businesses; and (iv) a description of any less intrusive or less costly alternative methods of achieving the purpose of the regulation. The analysis presented above represents DPB's best estimate of these economic impacts.